

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>MARDELL McGEE SMITH, #31023-044,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 05-473-DRH</b>
	)	
<b>RANDY DAVIS,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM AND ORDER**

**HERNDON, District Judge:**

On January 30, 2006, this Court assessed an initial partial filing fee of \$55.51. To date the Court has not received any payment from Plaintiff, nor has Plaintiff indicated any reason why he is unable to pay this fee as ordered. The Court notes that, according to the Bureau of Prisons' website, Plaintiff was released from custody on February 24, 2006,<sup>1</sup> but Plaintiff has failed to advise the Court of his whereabouts.

**IT IS HEREBY ORDERED** that within **THIRTY (30) DAYS** of the date of entry of this Order, Plaintiff shall either tender his initial partial filing fee of \$55.51, or he shall show cause why he is unable to do so.

**IT IS FURTHER ORDERED** that within **THIRTY (30) DAYS** of the date of entry of this Order, Plaintiff shall provide the Clerk with his current address. Plaintiff is **ADVISED** of his continuing obligation to keep the Clerk informed of any change in his whereabouts during the pendency of this action. This notification shall be done in writing and not later than seven (7) days after a transfer or other change in address occurs.

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<sup>1</sup> See <http://www.bop.gov/iloc2/LocateInmate.jsp>, accessed May 9, 2006.

**IT IS FURTHER ORDERED** that if Plaintiff does not comply with this Order in the time allotted, this case will be dismissed with prejudice for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally* *Ladien v. Astrachan*, 128 F.3d 1051 (7<sup>th</sup> Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7<sup>th</sup> Cir. 1994).

**IT IS SO ORDERED.**

**DATED: May 9, 2006.**

/s/ David RHerndon  
**DISTRICT JUDGE**